

Adopted an ordinance amending the McAllen Code of Ordinances, Chapter 106. Utilities; providing for substantial modification of the City of McAllen Pretreatment and Sewer Use Program.

2. BIDS/CONTRACTS:

- A) Approving of Interlocal Agreement with McAllen Independent School District for Perez Elementary for construction of pavilion on property owned in part by the school district and in part by the City of McAllen.**

Staff recommended approval of an Interlocal Agreement with McAllen Independent School District for Perez Elementary for construction of pavilion on property owned in part by the school district and in part by the City of McAllen and approval of \$50,000 for the construction of the pavilion.

Commissioner Ingram moved to approve the interlocal agreement as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

- B) Authorization of contract with Insight Networking and AT&T Datacomm for information technology infrastructure at New Main Library in order to meet Universal Service Administrative Company Grant Guidelines and compete for E-Rate award.**

Staff recommended authorization to enter into a contract with Insight Networking and AT&T Datacomm for information technology infrastructure for the new Main Library in order to meet Universal Service Administrative Company Grant Guidelines and compete for an E-Rate Award in the amount of \$595,578.72 with a local match of \$151,829.37.

Commissioner Ingram moved to approve the contract as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

- C) Approval of License Agreement for a grease trap at 116 S. 17th Street.**

Staff recommended approval of a license agreement for a grease trap at 116 S. 17th Street.

Commissioner Barrera moved to approve the license agreement as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously.

- D) Award of Contract - Airport HVAC System.**

Staff recommended award of contract for the Airport HVAC System to Schneider Electric, for an initial cost of \$333,961 plus a three-year system maintenance program in the amount of \$62,280, for a total of \$396,241.

Commissioner Crane moved to award the contract as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

3. ORDINANCES:

- A) Approving the FY 2010-2012 Regional Consolidated Plan and Strategy and FY 2010-2011 CDBG/HOME Action Plan.**

Omar Quintanilla, Chair of the Community Development Council recommended adoption of an ordinance approving the FY 2010-2012 Regional Consolidated Plan and Strategy and FY 2010-2011 Action Plan for the Community Development Block Grant and HOME Investment Partnership (HOME) Programs.

Questions were asked relating to the funding criteria for CAMP University.

A lengthy discussion ensued relating to the program and federal requirements. After due consideration, Commissioner Darling moved to fund \$10,000 to Camp University from the General Fund. Commissioner Barrera seconded the motion. The vote on the motion was as follows:

AYE: Commissioners Darling, Barrera, and Mayor Pro Tem Ramirez
NAY: Commissioner Ingram, Crane, Mayor Pro Tem Salinas and Mayor Cortez
ABSENT: None
ABSTAIN: None

The motion failed to carry. A discussion was held.

Commissioner Barrera moved to adopt the ordinance with funding for Camp University in the amount of \$5,000 subject to decreasing the funding by \$2,500 for both the Boy's & Girl's Club and MYSA. Mayor Pro Tem Ramirez seconded the motion. The motion carried as follows:

AYE: Mayor Pro Tems Salinas & Ramirez, Commissioner Barrera and Mayor Cortez
NAY: Commissioners Darling, Ingram and Crane
ABSENT: None
ABSTAIN: None

B) Amending the McAllen Code of Ordinances, Chapter 114. Vehicles for Hire; to allow and regulate the operation of Pedicab Services.

Staff recommended adoption of an ordinance amending the McAllen Code of Ordinances, Chapter 114. Vehicles for Hire; to allow and regulate the operation of Pedicab Services as follows:

Permit fees: \$100.00 per operation plus \$50.00 per vehicle operated
Maximum number of permits: 10
Operating area: Two zones - the North Zone extends from Business 83 to Hackberry and the South Zone which extends from Business 83 to Fresno Avenue.
Hours of operation: 7:00 pm - 3:00 am
Fares: \$1.00 per person for service within a zone and \$2.00 per person for service from one zone to another.

Questions were asked relating to the proposed fees, hours of operation and zones. Staff reported that the cities surveyed reported gratuity-based operations.

Commissioner Barrera moved to adopt the ordinance as recommended. Commissioner Crane seconded the motion. The motion carried unanimously.

4. MANAGER'S REPORT:

A) Appointment to the McAllen Housing Authority Board of Commissioners by Mayor Cortez.

Mayor Cortez confirmed the reappointment of Yolanda Flores and Lorena Castillo to the McAllen Housing Authority Board of Commissioners.

Appointment by Mayor only; no motion required.

B) Seek direction on enforcement of side yard parking on residential lots.

Staff was instructed to begin the enforcement process pursuant to the discussion held in a workshop held earlier in the day.

C) Consider appointment of member to the McAllen-Hidalgo Bridge Board of Trustees.

A nomination was made by Mayor Cortez to appoint Jan Klinck as a member to the McAllen-Hidalgo Bridge Board of Trustees to replace Carlos I. Garza whose term has ended.

Commissioner Barrera moved to make the appointment as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

D) Seek direction on leasing fees for off-street parking spaces.

Staff requested direction on proposed leasing fees for off-street parking spaces of \$1,000 per year. It was noted that said meters still reflect \$0.05 per hour and are substantially lower than the existing meter rates of \$0.50 per hour. It was noted that new establishments will be looking at leasing meters as an alternative parking requirements of the Zoning Ordinance.

A discussion was held relating to a discount. Staff reported that the proposed fee already provided for a discount as the true cost would be approximately \$1,300 annually.

After due consideration, it was the consensus of the City Commission to instruct staff to conduct a market survey and proceed with the public hearing process before the Planning and Zoning Commission.

E) Future Agenda Items.

No items were mentioned.

5. PUBLIC HEARING BEGINNING AT 6:00 PM

Mayor Cortez called the Public Hearing to order.

- A) ROUTINE ITEMS: [All Rezonings and Conditional Use Permits listed under this section come with a favorable recommendation from the Planning & Zoning Commission and will be enacted by one motion. However, if there is opposition at the meeting or a discussion is desired, that item(s) will be removed from the Routine Items section of the agenda and will be considered separately.]**

Request of City of McAllen, for a Conditional Use Permit, for life of the use, for an institutional use (city elevated water tower) at 2.50 acres out of the north 26.69 acres of Lot 1, Block 17, Steel & Pershing Subdivision, Hidalgo County, Texas; 900 East El Rancho Road.

Staff recommended approval of the Conditional Use Permit, for life of the use, at 900 East El Rancho Road, as recommended Planning and Zoning Board and subject to FAA requirements. The proposed use must also comply with the Zoning Ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property has direct access to E. El Rancho Road;
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. A 25 ft. wide drive and paved parking area is proposed within the water tower site;
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;
- 6) The number of persons within the building shall be restricted to the existing seating capacity for the building; and
- 7) Sides adjacent to commercially and residentially zoned or used properties shall be screened by a 6 ft. opaque fence. A 6 ft. opaque buffer is required from adjacent residential zones/uses to the east, west and south.

Mayor Cortez asked if there was anyone to speak in opposition. No one appeared.

Commissioner Barrera moved to approve the Conditional Use Permit as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

B) REZONINGS:

- 1) **Rezone from R-1 (single family residential) District to C-3 (general business) District: Lots 32 & 33, Linda Vista Subdivision, Hidalgo County, Texas; 2553 Lindberg Avenue.**

Staff recommended that said item be tabled.

Commissioner Ingram moved to table said item. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

- 2) **Rezone from R-1 (single family residential) District to R-3C (multifamily residential condominium) District: 1.618 acres out of Lot 129, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 2812 North Ware Road # A.**

The City Attorney disclosed that he had a conflict on said item and that he would abstain from providing legal advice on this matter. Further, he asked

that Assistant City Attorney Aaron Leal serve as legal counsel on this matter.

Staff recommended disapproval of the R-3C zoning as per Planning and Zoning Commission.

Mayor Cortez asked if there was anyone to speak in favor of the zoning request. Mr. Limas spoke in favor of the request. Mr. and Mrs. Jose Arredondo spoke in opposition.

Staff announced that the applicant requested that said item be tabled until a full Commission was present.

Commissioner Barrera moved to table said item. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

C) CONDITIONAL USE PERMITS:

- 1) Request of Dora E. Portillo, appealing the decision of the Planning & Zoning Commission of the May 4, 2010 meeting, denying the request for a Conditional Use Permit, for one year, for a nightclub, at Lots 4 and 5 and the east 90 feet of Lot 6, Block 20, McAllen Addition Subdivision, Hidalgo County, Texas; 200 South Broadway Street, Suite A.**

Staff recommended disapproval of the Conditional Use Permit, for one year, at 200 South Broadway Street, Suite A, as per the Planning and Zoning Commission but with a favorable recommendation for a variance to the distance requirement. Moreover, if approved, the establishment would be required to meet the requirements of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above-mentioned businesses must be at least 600 ft. from the nearest residence or residentially-zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is within 600 ft. of a church and publicly-owned property;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The establishment has access to South Broadway Street and Beaumont Avenue and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director.

Mayor Cortez asked if there was anyone to appear in opposition to the Conditional Use Permit. No one appeared in opposition.

Commissioner Barrera moved to grant a variance and approve the Conditional Use Permit as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

- 2) Request of Sara A. Saenz, appealing the decision of the Planning & Zoning Commission of the May 4, 2010 meeting, denying the request for a Conditional Use Permit, for one year, for a nightclub at Lots 1 through 4, The District at McAllen Subdivision, Hidalgo County, Texas; 3300 North McColl Road, Suites P and Q.**

Staff recommended disapproval of the Conditional Use Permit, for one year, at 3300 North McColl Road, Suites P and Q, as per the Planning and Zoning Commission but with a favorable recommendation for a variance to the distance requirement including the extended hours of operation. Moreover, if approved, the establishment would be required to meet the requirements of the Zoning Ordinance and specific requirements as follows:

1) The property line of the lot of any of the above-mentioned businesses must be at least 600 ft. from the nearest residence or residentially-zoned property, church, school, or publicly-owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residential zones and uses;

2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The establishment has access to North McColl Road and Fern Avenue, and does not generate traffic onto residential areas;

3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage of the establishment, 68 parking spaces are required for this use and 264 additional spaces are required for the remainder of the buildings. There are 276 parking spaces provided in the common parking area in the front and rear of the building. This business was included in a request for a special exception on May 1, 2007 to reduce the required number of parking spaces, which was granted by the Zoning Board of Adjustments;

4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;

5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;

6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties. Should this permit be granted, then the condition of keeping litter at a minimum on this property and on adjacent properties shall be maintained; and

7) The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum occupancy of the establishment was determined at the time of building permit for a total of 382 persons, of which 291 are allowed in the first floor and 91 persons in the second floor.

Mayor Cortez asked if there was anyone to appear in opposition to the Conditional Use Permit. No one appeared in opposition.

Commissioner Barrera moved to grant a variance and approve the Conditional Use Permit as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

D) Amending the Zoning Ordinance of the City of McAllen as enacted May 29, 1979.

No action required.

6. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT) AND SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY).

On behalf of the Presiding Officer, the City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.087 Economic Development for Items 6A and 6B; Section 551.071 Consultation with Attorney for Items 6G, 6H and 6I; and Section 551.072 Deliberation Regarding Real Property for Items 6C, 6D, 6E and 6F.

Mayor Pro Tem Salinas moved to accept the recommendation for the basis of the discussion in Executive Session under the sections cited by the City Attorney. Commissioner Crane seconded the motion. The motion carried unanimously.

Mayor Cortez recessed the meeting to go into Executive Session at 5:08 pm. Commissioner Darling and Mayor Pro Tem Ramirez excused themselves from the meeting at this time.

Mayor Cortez reconvened the meeting at 6:00 pm and addressed the Public Hearing followed by any action on Executive Session items.

A) Discussion and Possible Action relating to economic incentives for Project Leather Jacket. (Section 551.087, T.G.C.)

No action.

B) Discussion and Possible Action relating to economic incentives for Project Big Box. (Section 551.087, T.G.C.)

No action.

C) Discussion and Possible Action to consider project extension for McAllen Skyline, Ltd. for Embassy Suites Hotel site sale. (Section 551.072, T.G.C.)

Commissioner Barrera moved to authorize the City's Attorney's Office to grant a 90-day extension on the development project for Embassy Suites Hotel as discussed in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

D) Discussion and Possible Action regarding property on Dove and Bicentennial. (Section 551.072, T.G.C.)

Commissioner Ingram moved to authorize the City Attorney's Office to respectfully decline the offer to purchase the property. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

E) Discussion and Possible Action to consider the purchase of property on First Street across from Firemen's Park. (Section 551.072, T.G.C.)

Commissioner Ingram moved to authorize the City Attorney's Office to respectfully decline the offer to purchase the property. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

F) Discussion and Possible Action to consider the purchase of property at 2nd and 10th Streets. (Section 551.072, T.G.C.)

Commissioner Ingram moved to authorize the City Attorney's Office to respectfully decline the offer to purchase the property. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

G) Consultation with City Attorney regarding contractual and legal issues with HCWID #3. (Section 551.071, T.G.C.)

No action.

H) Consultation with City Attorney relating to Workers Comp/Loss Run Report as of April 30, 2010. (Section 551.071, T.G.C.)

No action.

I) Consultation with legal counsel regarding Police and Fire Collective Bargaining issues. (Section 551.071, T.G.C.)

No action.

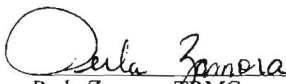
ADJOURNMENT:

There being no other business to come before the Commission, the meeting was adjourned at 6:30 pm.

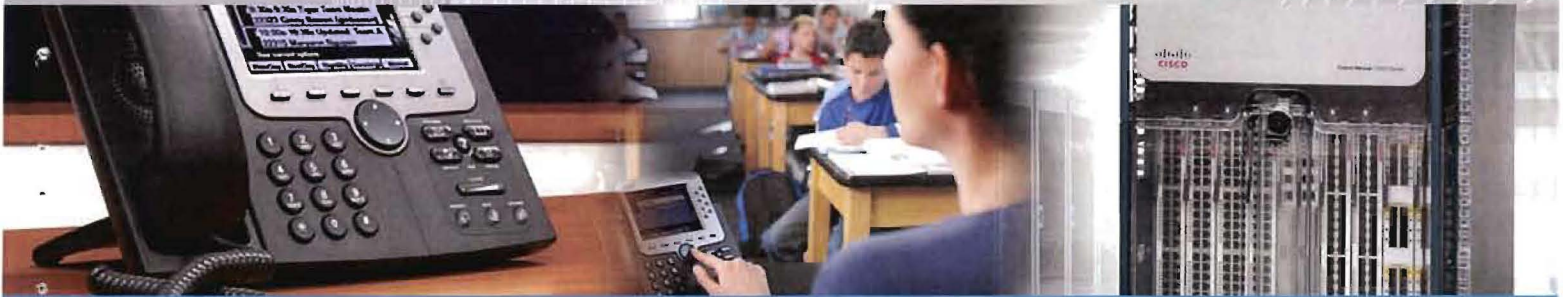


Richard Cortez, Mayor

Attest:


Perla Zamora, TRMC
Deputy City Secretary

ATTACHMENT 3



Prepared for:

McAllen Memorial Library

E-Rate 13 Form 470 - Network (Cisco) Internal Connections Request for Proposal

E-Rate Round 13
E-Rate SPIN Number: 143030052
FCC RN Number: 0014274815
Federal Tax ID: 20-3791623

January 28, 2010

Prepared by:

Insight Networking
Darak Weaver, Account Manager
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January 28, 2010

Jose A. Gamez
McAllen Memorial Library
601 N. Main Street
McAllen, TX 78501-4638

Reference: E-Rate 13 Form 470 - Network (Cisco) Internal Connections

Dear Mr. Gamez:

Insight Networking is pleased to respond to McAllen Memorial Library's (McAllen Library's) Request for Proposal (RFP) for E-Rate 13 Form 470 - Network (Cisco) Internal Connections. Insight Networking is one of the largest pure-play network solution provider in the U.S. Consistently ranked in the top 10 Service Providers for the E-Rate program in the Internal Connections category, Insight Networking offers extensive experience specific to Education. In fact, nine of our top 20 clients are K-12 or higher learning institutions.

Insight Networking helps organizations plan, build, provision and operate their network, security and unified communication infrastructures. Insight Networking works with many of the world's most prominent organizations to leverage network technologies to reduce costs, improve operations and increase productivity. Insight Networking continues to successfully implement on-time and within budget, world-class and state-of-the-art network infrastructures. As a result, valuable project experience includes:

- Extensive design, hardware and data traffic testing and analysis, device and network configuration
- Superior integration of the network infrastructure and the structured cabling systems
- The ability to leverage manufacturers and suppliers to ensure resolution of project issues and obstacles
- Defined, documented, and repeatable processes and procedures for:
 - Detailed staging and testing
 - Successful change order management
 - Resource allocation and deployment for W-2 employees and subcontract labor (including Minority and Women Business Enterprises participation)
 - Meticulous project management attentiveness to all project requirements

Insight Networking operates in more than 20 markets throughout the United States. Insight Networking is a Cisco Gold Partner; Master Specialized in Unified Communications and Security; Cisco Specialized in Advanced Unified Communications (VoIP), Advanced Security, Advanced Routing and Switching, and Advanced Wireless LAN; a Cisco Advanced Technology Partner for Unified Contact Center Enterprise, TelePresence, Voice Portal, Wireless Mesh, Rich Media Communications, Video Surveillance, MDS Fabric Switching and Data Center Networking Infrastructure; and a Cisco Managed Services Partner.

Insight Networking also offers the following advantages:

- Experience building some of today's largest mission-critical networks and e-commerce infrastructures
- 500+ Networking Professionals, with more than 455 Cisco Certifications, who use a proprietary methodology to consistently deliver the highest levels of client satisfaction
- Dedicated inside and outside account management and on-site support services



- 24 x 7 Network Operations Center (NOC)
- Leader in Network Business Process Outsourcing (BPO)
- Continued Commitment to Quality and Client Satisfaction

Partnering with Insight Networking will assist McAllen Library in achieving the following benefits:

- Increased productivity by providing a platform to support future applications with increased functionality
- Reduced costs through the appropriate level of investment in technology
- Improved client satisfaction and time savings through increased network availability, manageability and scalability
- Reduced operating, infrastructure and maintenance costs through consolidation and simplification
- Increased employee and client functionality, productivity and satisfaction
- Ability to achieve business, technology and client service objectives

I look forward to discussing this proposal with you. If you have any questions, please contact me at 956.661.5870 or darak.weaver@insight.com. Thank you for your consideration.

Sincerely,

Darak Weaver
Account Manager

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